



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/100,223	06/19/1998	DOUGLAS WALTER CONMY	52817.000051	8325

29315 7590 02/12/2004

MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC
12010 SUNSET HILLS ROAD
SUITE 900
RESTON, VA 20190

EXAMINER

MEINECKE DIAZ, SUSANNA M

ART UNIT	PAPER NUMBER
----------	--------------

3623

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MAILED

FEB 12 2004

GROUP 3600

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 43

Application Number: 09/100,223
Filing Date: June 19, 1998
Appellant(s): CONMY, DOUGLAS WALTER

Sean L. Ingram (Reg. No. 48,283)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed January 15, 2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is incorrect.

The amendment after final rejection filed on January 15, 2004 as part of the Appendix to the Appeal Brief is improper and has not been entered; however, the amendment after final rejection filed on August 15, 2003 has been entered and provides a complete listing of the claims pending before the Board of Patent Appeals and Interferences.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The appellant's statement in the brief that certain claims do not stand or fall together is not agreed with because, while Appellant groups the claims into three

Art Unit: 3623

groups that stand or fall together respectively, Appellant repeatedly submits the same argument to support the assertion that each group is patentably distinct from the prior art of record. Therefore, Examiner constructively groups all pending claims 1-39 as standing or falling together for purposes of Appeal.

(8) *Claims Appealed*

A substantially correct copy of appealed claims 1-39 appears on pages 9-23 of the Appendix to the appellant's brief. The minor errors are as follows: Appellant proposes minor amendments in the Appeal Brief. These amendments will not be entered. A correct copy of appealed claims 1-39 is found in Paper No. 37.

(9) *Prior Art of Record*

5,124,912	HOTALING ET AL.	6-1992
5,790,974	TOGNAZZINI	8-1998

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 4-6, 9-12, 15, 16, and 19-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hotaling et al. (U.S. Patent No. 5,124,912). This rejection is set forth in prior Office Action, Paper No. 35.

Claims 2, 3, 7, 8, 13, 14, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hotaling et al. (U.S. Patent No. 5,124,912), as applied to claims 1 (for claims 2 and 3), 4 (for claims 13 and 14), 5 (for claims 17 and 18), and 6 (for claims 7 and 8) above, in view of Tognazzini (U.S. Patent No. 5,790,974). This rejection is set forth in prior Office Action, Paper No. 35.

(11) Response to Argument

On page 6 of the Appeal Brief, Appellant argues that Hotaling et al. does not teach “a view of a list of ‘those whose schedule could not be found’.” Appellant submits, “At best, Hotaling et al. discloses providing an ‘NP’ designation to those invitees that indicate that they are ‘not participating in the Meeting Management service’ (see col. 10, lines 3-5). A designation for invitees that respond indicating that they are not participating in a meeting is *not the same* as a designation that indicate ‘invitees whose schedules could not be found.’” The Examiner respectfully submits that the claimed invention searches for the schedules of “potential invitees.” According to column 10, lines 3-5 of Hotaling, “‘NP’ denotes invitees not participating in the Meeting Management service.” In other words, the people noted as “NP” are indeed invitees (as explicitly stated by Hotaling); however, they merely do not participate in the Meeting Management service, thereby making their schedules unavailable via the automated Meeting Management service. A listing of these invitees who do not participate in the Meeting Management service and therefore whose schedules are unavailable (i.e., cannot be found) through the service are displayed to a user in Fig. 11, thereby addressing the claim limitation, “displaying the one or more potential invitees whose schedules could not be found” (recited in various forms throughout independent claims 1, 4-6, 25, 32, and 33).

For the above reasons, it is believed that the rejections should be sustained.

Art Unit: 3623

SMD
February 10, 2004

Conferees

Tariq Hafiz
Supervisory Patent Examiner
Art Unit 3623

James Trammell
Appeal Conference Specialist
Supervisory Patent Examiner
Art Unit 3621

MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC
ONE FOUNTAIN SQUARE
11911 FREEDOM DRIVE, SUITE 400
RESTON, VA 20190

Respectfully submitted,

Susanna Diaz
Susanna Diaz
Primary Examiner
Au. 3623